

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4
 5 JAMES COLLINS,
 6 Plaintiff,
 7 v.
 8 GAMESTOP CORP., et al.,
 9 Defendants.

NO. C10-1210 TEH

CASE MANAGEMENT ORDER
and ORDER VACATING
MOTION TO CONSOLIDATE
CASES AS MOOT

10
 11 MATTHEW PROCTOR and
 12 DANOBY ORTIZ,
 13 Plaintiffs,
 14 v.
 15 GAMESTOP CORP., et al.,
 16 Defendants.

NO. C11-0962 TEH

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 18 The *Collins* matter came before the Court on May 16, 2011, on Plaintiffs' motion to
 19 consolidate the case with *Proctor* and to appoint interim lead class counsel. At the hearing,
 20 Plaintiffs' counsel in both cases agreed that it was unnecessary to proceed with two separate
 21 actions. Instead, counsel agreed that *Collins* could be amended to add Matthew Proctor and
 22 Danoby Ortiz as named plaintiffs, with all counsel listed as counsel of record for Plaintiffs,
 23 and *Proctor* could subsequently be dismissed. Defendants did not object to the amendment
 24 but did raise concerns about any attorneys' fees that might be awarded to Plaintiffs' counsel.¹


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 26 _____
 27 ¹Given the history of these two cases, the Court shares these concerns and will closely
 28 scrutinize any request for attorneys' fees brought by Plaintiffs following a settlement of this
 case or if Plaintiffs prevail through litigation. Unreasonable attorneys' fees, including those
 resulting from duplicative work, over-staffing, or unnecessarily multiplying these
 proceedings, shall not be awarded.

1 Accordingly, with good cause appearing, IT IS HEREBY ORDERED that Plaintiffs
2 shall file an amended complaint in *Collins*, and the parties shall file a stipulation and
3 proposed order for dismissal in *Proctor*, on or before **May 25, 2011**. Plaintiffs’ motion to
4 consolidate cases and appoint interim lead class counsel is VACATED as moot.

5 In addition, the Court strongly recommends that the parties contact the assigned
6 magistrate judge to get on her calendar prior to the scheduled May 1, 2012 settlement
7 conference. The assistance of a magistrate judge may be helpful at this juncture, particularly
8 if Defendants’ counsel has correctly represented that attorneys from Initiative Legal Group
9 (“ILG”) agreed to some terms of a class settlement – even if, as ILG now contends, no
10 complete agreement was reached – while they were counsel of record to the *Collins* putative
11 class.

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13 **IT IS SO ORDERED.**

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15 Dated: 05/18/11



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT